

Minutes of: CALIFORNIA STATE ATHLETIC COMMISSION
Meeting Specifics: Regular Commission Meeting
July 12, 2002 – 9:00 a.m.
Burbank Airport Hilton
2500 Hollywood Way
Burbank, CA 91505

1. CALL TO ORDER BY CHAIRMAN

Commissioners Present: Van Gordon Sauter, Chairman
Sanford Michelman, Vice-Chairman
Armando Vergara
John Frierson
Martin Denkin (arrival at 9:35 am)

Staff Present: Rob Lynch, Executive Officer
Dean Lohuis, Chief Inspector
Earl Plowman, Deputy Attorney General
Sal Barajas, Assistant Chief Inspector
Jessica Finch, Recording Secretary

2. APPROVAL OF JUNE 12, 2001 COMMISSION MEETING MINUTES

Action: Motion by Commissioner Vergara and seconded by Commissioner Frierson to approve minutes as submitted.

Vote: Unanimous

3. SUMMARY OF CHAIRMAN ACTIVITIES SINCE LAST MEETING

Chairman Sauter stated that he did not have any activities to report at this time.

4. SUMMARY OF EXECUTIVE OFFICER ACTIVITIES SINCE LAST MEETING

Mr. Lynch stated that at the last Commission meeting he had briefed the Commission on Budget Letter 02-09, which called for the elimination of at least 4,000 permanent state positions. He explained that this would have required all agencies to identify reductions totaling at least 5% of all authorized positions per the 2002-2003 Governor's Budget. Mr. Lynch further explained that this would have meant an additional \$35,000 reduction to the Commission's budget, which would have translated to reducing another permanent position. He stated that fortunately, this letter has been rescinded.

Mr. Lynch stated that another Budget Letter has surfaced (Budget Letter 02-13) which will require State Agencies to permanently eliminate a minimum of 6,000 vacant positions which will remove \$150 million in associated General Fund dollars. He explained that this Letter will have

no impact on the Commission due to the fact that the Commission during previous rounds of budget cuts had already sacrificed all of the vacant position.

5. FEDERAL BOXING LEGISLATION - ACTION

Chairman Sauter stated that a letter had been sent to Senator McCain but a response had not yet been received. Mr. Lynch stated that he had spoken with Ted Lueckenhoff, Chairman of the Association of Boxing Commissions (ABC). Mr. Lynch informed the Commission that according to Mr. Lueckenhoff this legislation has not moved forward since its inception on May 23, 2002. He also stated that he was informed by Mr. Lueckenhoff that the ABC's official position at this point was that the ABC would support legislation **if** the individual state commissions do not lose their autonomy. Mr. Lynch added that Senator McCain has been invited to speak at the ABC conference at the end of July. Mr. Lynch informed the Commission that he had spoken with several other states such as Nevada, Texas and Florida regarding this legislation and was told that these states have not taken a position on this bill as of yet. Mr. Lynch suggested that the Commission not take a position at this time.

Commissioner Denkin stated that following Chairman Sauter's request, Commission Denkin had contacted attorney Ron DiNicola and requested a meeting with him regarding this legislation. Commission Denkin informed the Commission that he had spoken with Mr. DiNicola and Mr. DiNicola had agreed to an informal meeting in which the Attorney General's Office, any interested Commissioner and the Executive Officer of the Commission is invited. He stated that the meeting was currently set for July 16, 2002 at 3:00 p.m. and if anyone was interested to please let him know. Chairman Sauter stated that he along with Vice-Chairman Michelman would be present at the meeting. Mr. Plowman stated that if this legislation is passed, the Tribes would be mandated to form their own athletic commissions. Mr. Plowman added that this would provide opportunity for more fragmentation.

Action: No action was taken.

6. BUDGET REPORT – PERSONNEL – INFORMATION / ACTION

Mr. Lynch stated that at the previous Commission meeting he had briefed the Commission on the \$204,000 budget cut that the Commission would be taking as of July 1, 2002. He explained that \$130,000 was absorbed by relinquishing 1.2 permanent vacant clerical positions and by incurring a reduction in funding of 1.3 intermittent inspector positions. Mr. Lynch further explained that after these cuts were made, the Commission was instructed to reduce an additional \$74,000 from its budget meaning the permanent position of Assistant Chief Athletic Inspector would be lost.

Mr. Lynch stated that pursuant to the Commission's request, a meeting was held with Commissioner Frierson to review the budget to identify any alternative source of funding that could be reduced without adversely impacting staff. He explained that on June 27, 2002 Commissioner Frierson met with staff member Leydis Church, DCA Budget Manager Kevin Peterson, DCA Personnel Manager Jeff Sears and Mr. Lynch to review the budget. He further explained that it was the consensus of all parties that there was not a new or unique course of action to reduce our budget by \$74,000.

Commissioner Frierson stated that budget had been reviewed thoroughly and it was his opinion that there was no other alternative. Commissioner Frierson stated that he had asked Speaker Wesson to review the budget also, and it was Speaker Wesson's opinion that there was no other alternative also.

Chairman Sauter then asked what status Mr. Sal Barajas would then be. Mr. Lynch explained that due to civil service rights, he would be moving into Leydis Church's position of Associate Government Program Analyst (AGPA). He further explained that Ms. Church has accepted a position elsewhere. Mr. Lynch further added that Mr. Barajas was also a permanent intermittent inspector and would be working as such on occasion. Mr. Lynch stated that as an inspector he would not be losing any enforcement authority due to the fact that inspectors are considered Mr. Lynch's designees and may act in the same capacity as Mr. Lohuis or an Assistant Chief Athletic Inspector. Chairman Sauter then asked what difference there would be in Mr. Barajas's compensation due to this change.

Mr. Lynch informed the Commission that Mr. Barajas would be receiving a pay increase due to his assumption of the position of Ms. Church. Chairman Sauter asked Mr. Lynch why the AGPA position was not eliminated instead of the Assistant Chief Athletic Inspector if the AGPA salary was higher. Mr. Lynch explained that the AGPA position was essential for the day to day operation of the office. He further explained that the AGPA position does the legislation, regulations and budget. Mr. Lynch added that the Assistant Chief position is not nearly as busy as the Chief position in Southern California. Mr. Lynch further added that the enforcement duties of the Assistant Chief would be absorbed by other staff such as inspectors or himself. Chairman Sauter asked what the cost of bringing in inspectors to do this duty; such as did they receive time and one half plus per diem. Mr. Lynch replied that inspectors are normally paid approximately \$18 - \$22 per hour except state employees who receive time and one half of their inspector pay, not their regular salary.

Chairman Sauter stated that he felt a loss by losing the position of Assistant Chief Athletic Inspector. Commission Frierson stated that the dilemma with losing a position in the State, it is very difficult to gain that position back. Commissioner Denkin asked if an analyst could do the work of the Assistant Chief without working the person out of class or vice versa. Mr. Lynch stated that this could not be done and that the Department of Personnel Administration had already cut the Assistant Chief position.

Mr. Lohuis explained that the Commission has the supervision responsibility of ten events from July 18 through July 26. Mr. Lohuis further explained that it normally takes three days to process and supervise each event. He further stated that this happens every few months. Commissioner Denkin stated that in the past the situation of too many shows at one time had been addressed. He stated that it was the DCA opinion that the Commission could not regulate when the events would take place unless the Commission could not adequately supervise the event. Commissioner Denkin concern was that if something were to happen to Mr. Lohuis, one position could not possibly do what Mr. Lohuis does, therefore, the budget is not properly reflecting the need of positions in the office. Vice-Chairman Michelman stated that it was Mr.

Lohuis's responsibility to notify the promoters if the schedule of events was too difficult to cover. Mr. Lynch stated that staff has done this in the past.

At this time, Mr. Barajas stated that he has been an inspector for eighteen years and an Assistant Chief Athletic Inspector for three years. He stated that he puts in approximately sixty hours a week as an Assistant Chief and has not received any overtime. He further stated that he is very dedicated to the job. He explained that he could keep up with Mr. Lohuis because there are not as many events in Northern California. Mr. Barajas stated that there have been many things that he has done administratively. He stated that his concern was that, at this time, he did not a job description and was unaware of what he would be doing. He stated that he was perplexed as to what all of this meant for him. Mr. Barajas stated that he was dedicated to doing the best that he can for this Commission and that he is willing to work with Mr. Lynch in any way possible. Mr. Barajas stated that he needed detail as to what would now be expected of him to do and where his standing as an inspector would be. He further explained that he was previously an AGPA, Budget Analyst and other positions and feels that he has a wide and varied background. He stated that he enjoys working for the Commission. Mr. Barajas then stated that it concerned him that he did not have a "hands on" position in making this decision. Mr. Barajas felt that he would have been able to assist Mr. Lynch with some creative alternatives instead of this. He stated that as an Assistant Chief, he was working as an inspector and working on projects that seemed to never end because either a proper solution or proper funding could not be achieved. Mr. Barajas stated that he wanted a sense of direction and what would be required of him. He further stated that he was embarrassed to speak but that he felt that this issue needed to be addressed to the Commissioners. Mr. Barajas stated that although Commissioner Frierson felt that there was no other alternative, Mr. Barajas felt that the position could have been changed to Assistant Executive Officer instead of AGPA so that all needs would be met. Mr. Barajas further stated that due to this change, there is now a void in Northern California because there is no supervisor for the inspectors in Northern California.

Chairman Sauter stated that he felt a loss for losing the Assistant Chief Athletic Inspector position regardless of whom is in that position. Chairman Sauter stated that he is concerned regarding conflict and expressions of unease within the Sacramento office. Chairman Sauter stated that the escalation of this unease may be due to the budget and changes of position within the office. He stated that as an outsider and knowing very little of the day to day activities of the Sacramento office, he feels that Mr. Lynch needs to sort through the conflict with the employees in the Sacramento office and find out why some employees are upset with and critical of another employee's performance and their relationship. Chairman Sauter stated that it is essential that the Commission review different ways to regain the Assistant Chief position and present those ideas. Chairman Sauter further instructed Mr. Lynch to report to the Commission ideas as to how the Assistant Chief position can be regained.

Commissioner Denkin stated that the staff in the office has been "doing much with very little" and that the staff needs to be reminded of the chain of command. Commissioner Denkin stated any problems need to be addressed with Mr. Lynch before coming to the Commission. He further stated that it bothered him that information has come directly to the Commission instead of first going through Mr. Lynch and following the chain of command.

Commissioner Frierson stated that he reviewed the budget in detail and did not see any other alternative regarding the position of Assistant Chief being cut. He added that his expertise is in funds and not in reclassification of a title. Chairman Sauter stated that he would like to set a meeting with the Department and state that the Commission needs to reinstate that position.

Action: No action was taken.

7. REGULATION CHANGES - ACTION

7.1 Rule 309 – Time Between Bouts

Mr. Barajas stated that Chairman Sauter requested that this item be placed on the agenda. He stated that Rule 309 details the number of days a boxer must rest between bouts of varying duration. He explained that staff had spoken with Dr. Paul Wallace regarding the time frames that the Medical Advisory Committee (MAC) may recommend. Mr. Barajas further explained that Dr. Wallace had informed staff that although he has a consensus of the MAC members, the MAC has yet to formally vote on the recommended time frames he has submitted for discussion purposes. Mr. Barajas stated that Dr. Wallace also informed staff that there are a variety of issues that may be forthcoming from the MAC at the Commission's August meeting once he returns from the ABC convention in late July. He explained that the proposed time frames for Rule 309 are as follows:

- For a bout of four rounds or less, the boxer shall not be allowed to box in this State until seven days have elapsed.
- For a bout of six or eight rounds, the boxer shall not be allowed to box in this State until ten days have elapsed.
- For a bout of ten or twelve rounds, the boxer shall not be allowed to box in this State until fourteen days have elapsed.

Mr. Barajas stated that this amendment is proposed to enhance the health and safety of the boxers by increasing the amount of time a fighter is not allowed to box in California after competing in a bout regardless of where the bout occurred. He further stated that the MAC has been asked to provide substantiating input in support of this proposed amendment. Mr. Barajas added that he had spoken with Ms. Anita Scuri, legal counsel, and was informed by Ms. Scuri that she was unable to attend the Commission meeting. Mr. Barajas stated that Ms. Scuri had reviewed the language and that she concurred with the proposed language.

At that time, Mr. Plowman stated that he also had spoken to Ms. Scuri on the previous day on this issue and that contrary to Mr. Barajas's statement, Ms. Scuri did have some concerns regarding this language as written. Mr. Plowman stated that as it is written, the Commission would be setting this proposed language for public hearing, but in Ms. Scuri's opinion, the Commission was lacking an adequate statement of necessity. Mr. Plowman added that this is a requirement of the Office of Administrative Law. Mr. Plowman stated that currently there were two items supporting the statement of necessity: 1) the formal vote by the MAC; 2) the input after the ABC conference.

Mr. Lynch asked if this issue could be forwarded to the MAC for review and a formal statement of the support or opposition of this language and reasons for standing. Vice-Chairman Michelman agreed.

Dr. Paul Wallace agreed that the MAC needed to review and vote regarding this issue. Chairman Sauter suggested a conference call be done. Dr. Paul Wallace stated that there were many issues that the MAC needed to discuss. Chairman Sauter asked if the opinion of the MAC would be sufficient to meet the statement of necessity. Mr. Plowman stated that the statement of necessity's validity will ultimately be determined by the Office of Administrative Law. Mr. Plowman then informed the Commission that the meeting of the MAC must be carefully noticed with an agenda and with written documentation as to what would be discussed and that a final written report on this issue must come out. Mr. Plowman stated that this would give the Commission a statement of necessity. Mr. Lynch stated that he would like to forward the proposed language out to the members and ask the members to submit a written response to the language. Mr. Lohuis also agreed that this issue needed to be reviewed. Mr. Lohuis and Mr. Lynch stated that although this Rule currently reads that the Commission may approve a waiver of this Rule, the Commission has not previously overridden the Rule. Promoter Dan Goosen also agreed that this Rule needed review.

Action: No action taken.

7.2 Rule 354 - Warning

Mr. Barajas stated that Chairman Sauter requested language that reflects a five-second warning be drawn up and presented to the Commission for action. He stated that Rule 354 currently allows for a ten second warning by the timekeeper to the seconds before and ending each round. He added that this regulation was originally enacted as a courtesy to the seconds of the contestants. Mr. Barajas explained that when a referee hears the ten second warning the referee moves into position to separate the boxers. He stated that this takes approximately two seconds which places the referee in a precarious position of interfering with the boxers with eight seconds remaining. He added that most technical fouls occur in the last ten seconds of the round. Mr. Barajas further explained that also experienced fighters will use the last ten seconds to plan a strategy for getting in the last "shot" which usually occurs at or after the bell. He then stated that the corner workers use the last ten seconds to climb up on the ring apron, which is against the rules.

Mr. Barajas then stated that this amendment is proposed to eliminate or reduce any improper conduct and/or technical fouls by the participants that occur in the last ten seconds of a round by instructing the timekeeper to issue a warning that the round is about to end when there are only five seconds remaining in the round. He added that this change would also contribute to eliminating or reducing the amount of time the referee may be in harm's way when separating the fighters at the end of the round. He informed the Commission that if approval is obtained by the Commission, staff will set the proposed regulation change for hearing. He noted that at that time written and oral public testimony may be received and heard by the Commission. Mr. Barajas added that he had

spoken with Ms. Scuri on this issue and that she had stated that this had been drawn up in the year 2000 but it had been withdrawn. Mr. Barajas then referred it to Mr. Plowman to respond. Mr. Plowman again reiterated that the Commission would need a statement of necessity, although this issue is closer to approval. Mr. Lynch stated that the reason it had been withdrawn prior was due to the fact that support for the statement of necessity could not be met. Commissioner Denkin explained that the previous language had stated “ten seconds or less” and that Commissioner Denkin was told that the language had to be concrete – either ten seconds for five seconds. Commissioner Denkin then stated in his opinion, ten seconds is too long and five seconds is more appropriate.

Mr. Lynch then stated that he agreed with changing it to five seconds ending the round, but not with five seconds beginning the round. Mr. Lynch explained that the cornermen have problems with exiting the corners in ten seconds, and five seconds would be even harder to enforce. He further explained that as the language read, changing the rule to ten seconds would apply to both and it was Mr. Lynch’s opinion that it would not be a viable choice for the beginning of a round. Commissioner Denkin thanked Mr. Lynch for pointing this out and concurred with Mr. Lynch. Mr. Plowman asked if the ABC had an opinion on this issue. Mr. Lynch stated that they did not at this time, but may be addressed at the meeting. Mr. Lynch then asked if the Commission would like language to be drafted to reflect ten seconds before the round and five seconds after the round. Chairman Sauter asked that the language be drawn and brought before the Commission again.

Action: No action was taken.

8. RULE 345 – REFEREE SHALL HAVE POWER TO STOP CONTEST - CLARIFICATION

Commissioner Denkin stated that this Rule does not need clarification, but his concern was that the performance of the referee to stop a contest that is evaluated by the referee evaluator be reviewed.

Mr. Lohuis stated that although the referee has the authority, justly so to stop a contest, the Commission currently has Rule 376 Grading of Referee’s Performance and Rule 377 Hearing to Remove Referee’s License to govern the evaluation of the Referee.

Mr. Plowman interjected that Rule 376 and Rule 377 are not on the agenda and should be discussed at a future Commission Meeting.

After lengthy discussion and testimony from attorney Jerry Roth, Referee Vince Delgado, Referee Ray Corona, and Referee Lou Filipo Vice-Chairman Michelman suggested that review of the implementation of Rule 376 be done at a future Commission meeting. Chairman Sauter then instructed Commissioner Denkin to confer with Mr. Lynch and Mr. Lohuis to review the evaluation process and report to the Commission at a future meeting.

9. LEGISLATION – INFORMATION / ACTION

Mr. Lynch stated that Senator Polanco's Bill 1749 regarding Hepatitis C Testing was heard on June 18, 2002 by the Assembly Committee on Arts, Entertainment, Sports Tourism and Internet Media. He stated that this bill adds Hepatitis C testing as a requirement of licensure plus it modifies the frequency of testing for HIV and Hepatitis B & C. He further stated that this bill passed the Committee on a vote of 18 Ayes to 0 Noes and was re-referred to the Assembly Appropriations Committee. Mr. Lynch noted that it was to be heard on July 3, 2002 but was not, and is currently scheduled to be heard in August.

Mr. Lynch stated that Senator Perata's Bill 1738 regarding performance-enhancing substances would affect the Commission. He informed the Commission that this bill was heard on June 18, 2002 by the Assembly Committee on Arts, Entertainment, Sports Tourism and Internet Media. He stated that the bill passed the Committee and will next be heard in the Assembly Appropriations Committee sometime in August.

Mr. Lynch informed the Commission that this bill would require the Athletic Commission to annually review and approve the policy of each major professional athletic association on athlete use of performance enhancing substances. He explained that the Commission would not be testing the athlete but must annually approve each association's policy. He further explained that to qualify to be a major professional athletic association, the association must gross \$1 billion dollars a year or more. Mr. Lynch noted that funding has now been added to this bill and that this bill would go into effect January 2003 and the sports teams would have until June 2004 to get the policies before the Commission. He explained that current staff does not have the expertise on what constitutes proper testing and what performance enhancing substances such as steroids are. It is Mr. Lynch's belief that there would be no other alternative, if this bill were to pass, than to turn this matter over to the MAC for annual review. Dr. Wallace stated that given the resources the Commission currently has, the MAC would be the proper review committee. Mr. Lynch at that time added that funding would be given to the Commission for its enforcement of this bill. Dr. Wallace asked Mr. Lynch to clarify the Commission's role if this bill were to pass. Mr. Lynch explained that the Athletic Commission would approve the policy for testing and that the associations would not be allowed to have their sport in California if they did not have an approved policy by the Commission. Mr. Plowman asked what amount was currently allocated for the Commission. Mr. Lynch stated that approximately \$16,000 per year or \$3,000 to \$4,000 per organization per year.

Mr. Lynch then asked the Commission for its formal stand on this bill so that if asked to testify, the Commission would have a current opinion. Vice-Chairman Michelman stated that assuming there is proper funding, the pros clearly outweigh the cons in this matter. Mr. Lynch stated that he agreed with Vice-Chairman Michelman. Dr. Wallace stated that the policies from the different organizations would be different, to which Mr. Lynch explained that they would have to all have some type commonality such as suspension and/or fine of the athlete if he or she fails the test. Vice-Chairman Michelman stated that it was his impression of the bill that it would only benchmark testing policy and if the different organizations wanted higher standards, this would only be the minimum requirement. Commissioner Frierson stated that in his experience,

this bill is going to be highly opposed by the different organizations, and that the Commission should take a neutral stand at this point. Mr. Plowman suggested that amendments be included to state that the Bureau of Narcotic Enforcement, Department of Justice, Drug Enforcement Administration and Department of Health Services should be required to provide input and information in making these determinations. Mr. Plowman also suggested that a Committee be formed required by law from the different state agencies to provide input and information to the Commission.

Action: Motion by Vice-Chairman Michelman and seconded by Commissioner Frierson to draft language stating that the Athletic Commission is in favor of the idea of testing of athletes in professional sports, but lacking the knowledge to effectively evaluate such programs, would agree to join in with other agencies to form a Committee, if properly funded, to work in that area.

Vote: Unanimous

10. JOEY TORREYS vs. PERRY WILLIAMS BOUT – INFORMATION / ACTION

Commissioner Denkin stated that he and Commissioner Frierson met to discuss this issue. He informed the Commission that there was no proof of any type of conspiracy to “pay someone off.” Commissioner Denkin noted that each person’s perception of the event is different, and none are wrong.

Commissioner Denkin stated that he had contacted Rich Morata who had said on Mr. Morata’s radio show that he had heard that Mr. Torreys had given Mr. Williams \$200 to “take a dive”. Commissioner Denkin explained that Mr. Morata stated that he did indeed make that statement, and received his information via an Internet article. Commissioner Denkin stated that he also spoke with Dr. Michael Deluca in which Dr. Deluca stated agreed that he reported Mr. Williams’s injuries pursuant to Mr. Williams’s statements. He added that Dr. Deluca made the suggestion that in the future, when there is no visible sign of trauma and the participant complains of pain, that the contestant be required to go to the hospital for evaluation. Commissioner Denkin then informed the Commission that the trainer for Mr. Torreys was also interviewed. During this interview, the trainer had informed Commissioner Denkin that during the publicity before the event that the Mr. Torreys had not been training and gained a considerable amount of weight.

Commissioner Denkin then stated that it was his and Commissioner Frierson’s concern as to the reasoning for licensure of a boxer who had been convicted of murdering a boxing manager without appearing before the Commission prior to licensure. Commissioner Denkin informed the Commission that he had made seven phone calls at different times of the day trying to locate Mr. Williams to no avail.

Commissioner Denkin suggested that in the future, if any official is questioning the performance of an individual contestant, that purse be automatically held. In Commissioner Denkin’s opinion, by the purse being held the participant is more apt to comply with appearing before the Commission. He further suggested that a policy be enacted that no boxer be allowed to fight without prior screening in California or be licensed in his or her prospective home state.

Commissioner Denkin added that a letter should be drafted to Senator McCain explaining the investigation that has taken place and the results of the investigation. Commissioner Frierson stated that the only questionable item he had was the fact that not only was Mr. Torreys a felon, but of the crime Mr. Torreys was convicted.

Mr. Lynch asked the Commission if it would be satisfactory if the pro debut fighter could submit a letter from his/her home state athletic commission stating that they were clear to fight. Vice-Chairman Michelman asked whether or not the participant's license would be suspended pending investigation in the cases where the purse is being withheld. Commissioner Denkin stated that pursuant to current policy, when there is a no decision bout the licenses may be suspended pending investigation.

Vice-Chairman Michelman asked what the status of Mr. Torreys and Mr. Williams's license was. Mr. Lynch informed the Commission that both licenses were denied the day after the bout in question.

Commissioner Frierson agreed with Commissioner Denkin that a letter be drafted for Senator McCain to ensure that the Senator is aware that the California State Athletic Commission is a proactive commission.

Mr. Plowman referred to Rule 283 Lack of Ability to Compete and stated that review of this Rule be made in this case. Mr. Lohuis clarified that both Mr. Torreys and Mr. Williams were denied a license per Rule 283 for lack of ability to compete. Chairman Sauter then asked if a participant was denied in California, could they then go to another state and compete. Mr. Lynch replied that once a fighter has been denied a license, their name is placed on a national suspension list and theoretically, the participant is unable to fight anywhere else. Mr. Plowman further stated that although other states are not required to honor the suspension list, historically it has been followed. Mr. Plowman added that the ABC has the authority under the original McCain law to overturn a state decision to suspend or revoke a license. Mr. Lynch noted that the ABC cannot overturn a medical suspension but they can repeal an administrative suspension such as this.

Chairman Sauter commended Commissioners Denkin and Frierson on their investigation and thanked them for their time. Mr. Plowman stated that the recommendation by the Commissioners is already in statute and is just an interpretation of what already exists (Section 18860). Vice-Chairman Michelman suggested that the purses be held and not released until there is Commission approval. Mr. Plowman agreed that pursuant to statute, this would be proper.

Action: Motion by Vice-Chairman Michelman and seconded by Commissioner Denkin that if there is a question by any authorized representative of the Commission regarding the legitimacy of a bout, that they purses be held pending Commission approval and release.

Vote: Unanimous

11. SPECIAL FUND vs. GENERAL FUND - INFORMATION

This item was not heard.

12. PROMOTERS' BOND UPDATE – INFORMATION / ACTION

Mr. Lynch stated that a claim had been made on Ochoa Promotions regarding the event that took place at Table Mountain Casino. He stated that on July 11, 2002 the Commission had received a payment of \$20,000 from the bond company along with a payment of \$13,120 from Mr. Sal Blanco who co-promoted this event. Mr. Lynch explained that both of the payments had been deposited and payment to the parties whose checks bounced would be made as soon as the deposits cleared the Department's accounting system. He added that a letter would be sent to Accounting with a list of payments the Commission would like made pursuant to the statutes, which states in which order payments will be made. He further explained that with these two payments a deficit of \$2,100 is still outstanding although Mr. Blanco has guaranteed this amount. Mr. Lynch concluded with stating that all parties should be satisfied within two weeks.

Vice-Chairman Michelman asked the Commission its standing on the issue of fining Mr. Ochoa for the bouncing the checks. Mr. Lynch stated that the fine limit that the Commission may impose at this time is \$2,500 per occurrence. Mr. Lynch added that it is his standing that Mr. Ochoa be fined \$2,500 per check that bounced. Vice-Chairman Michelman agreed. Mr. Earl Plowman stated that two issues may need to be discussed regarding this matter. He stated that first, the promoter involved was a novice at boxing promotions, and second the \$20,000 bond that is required to promote did not cover all of the bounced checks. Mr. Plowman suggested that since action against the Tribe is prohibited, the amount of the bond that is currently required be raised. Vice-Chairman Michelman suggested that the issue of raising the bond should be placed on a future agenda to be discussed and voted on.

Mr. Plowman added that he was surprised that the bonding company for Ochoa Promotions made payment in such a timely matter since the issue of Tribal Land could have been pursued. Chairman Sauter stated that it was his understanding that the Bond Company usually took up to a year. Mr. Lynch stated that historically it has taken nine months. Chairman Sauter then asked the reasons this payment was expeditious. Mr. Lynch replied that although typically when a claim has been made to the Bond Company, the Bond Company contacts the promoter to satisfy the outstanding debt. He explained that it may be that the Bond Company felt that this particular promoter may be a lost cause and paid the bond. Vice-Chairman Michelman explained that his personal understanding from prior experience with claims against bonding company, he agreed with Mr. Lynch that it typically took a considerable amount of time.

Chairman Sauter asked what the frequency of attaching a bond is. Mr. Lynch replied that in his twenty-year experience he was aware of approximately four occasions.

Action: Motion by Vice-Chairman Michelman and seconded by Commissioner Vergara to fine Mr. Ochoa \$2,500 per check that had been bounced for his

event at Table Mountain and that Mr. Ochoa appear before the Commission.

Vote: Unanimous

13. COMMISSION RELATIONSHIP WITH TRIBAL ORGANIZATIONS – INFORMATION / ACTION

This item was not heard.

14. COMPLIMENTARY TICKETS – INFORMATION / ACTION

This item was not heard.

15. COMMITTEE APPOINTMENTS - ACTION

This item was not heard.

16. COMMITTEE REPORTS – INFORMATION / ACTION

16.1 Arbitration Committee Report

Mr. Plowman stated that there had been approximately seven arbitrations heard by Mr. Plowman and Commissioner Denkin. He added that there are only two outstanding arbitrations at this time; one to be heard by Mr. Lynch in Sacramento and a new one that was delivered to him this morning. Chairman Sauter congratulated both Mr. Plowman and Commissioner Denkin on eliminating the backlog.

16.2 Pension Plan Review Committee Report

Mr. Lynch stated that at the last Commission meeting he had made the statement that the Commission had received ten bids. He corrected his previous statement and informed the Commission that ten packets had been sent out and the Commission had received one bid. He explained to the Commission when the opening of the bid was done, the applicant had filled out the form wrong. He further explained that due to this mistake the Commission would be going back out to bid and the opening of bids will be on August 6, 2002. Chairman Sauter asked if there was any larger fund that this can be molded into. Mr. Lynch replied that the Commission had previously tried PERS and STRS and both had declined. Mr. Lynch then stated that a report would be made at the next Commission meeting to update the Commission.

16.3 Medical and Safety Standards Advisory Committee Report

16.3.1 Weigh-Ins and Weight Gain Prior to Bout

Dr. Wallace stated that it is common for a fighter to gain weight before a bout after he has been weighed in. He currently stated that it is current policy that the weigh in occurs the day prior to the scheduled fight, approximately twenty-four hours before the fight. He further stated that discussion had been made that if a fighter were required to weigh-in at the proper weight at the time of the bout, the fight cards would fall through and the

promotions would be destroyed. Dr. Wallace stated that the question currently before the Commission is this: Do we require that the fighters be weighed in a second time the day of the fight or should the Commission only require one weigh in on the day of the fight. Commissioner Vergara mentioned that in amateur boxing, the weigh in is done the day of the fight and anyone that comes in three or more pounds over is disqualified or required to go into the next division. He further stated that a boxer may lose up to two pounds but may not gain weight. Commissioner Denkin mentioned that dehydration was a major problem when weight loss or gain is concerned. Mr. Plowman stated that this issue is in regard to Rule 297 and reminded the Commission that this item is not on the agenda and that only a report on weigh-ins and weight gain prior to a bout is on the agenda. Vice-Chairman Michelman stated that there is a dilemma as to if the weigh-in is on the day of the fight, would the boxer then have enough time to recover. Dr. Wallace concurred with this opinion. Dr. Wallace noted that from a medical perspective, the participant should be at the proper weight category and train at that weight. He further added that it cannot be medically advisable to hydrate over 3% of a persons body weight. Dr. Wallace then explained that many fights are made at the last minute. He stated that the MAC currently wishes to try to eliminate the “drying out” and “re-hydrating” of boxers. He added that it is his belief that weight loss/gain had a hand in the recent death in Nevada. Dr. Wallace informed the Commission that currently Pennsylvania has a limit on the amount of weight a fighter may gain from weigh-in to fight. Chairman Sauter then asked if one considered all of the California fighters what percentage of them would fail the Pennsylvania limit. Dr. Wallace stated his guess would be over 50%. Chairman Sauter asked what level of compliance Pennsylvania has had to which Dr. Wallace stated the participants were compliant because they knew what the rules were. Dr. Wallace reiterated that California currently does not have a limit on the amount of weight a boxer may gain. Chairman Sauter then asked Dr. Wallace if he felt that this was a consequential issue that he believed the Commission needed to address. Dr. Wallace stated that it indeed was.

Mr. Plowman stated that at this time he does not see a statement of necessity needed to draft regulations. Chairman Sauter stated that this issue was still in the idea stage and if warranted to go any further, discussion on necessity could be done at that time. Commissioner Frierson agreed that this matter needed to be further looked into. Mr. Lohuis stated that changing the weigh in to the same day or setting a limit is a very good idea. Mr. Lynch stated that many years prior, the weigh-in was always set for noon the day of the fight. Dr. Wallace stated that if the Commission decided that this was worth pursuit, he would like the MAC to meet so that he might get a directive from the MAC to present to the ABC at the conference at the end of the month since it will be one of the topics. Chairman Sauter suggested that Dr. Wallace, Commissioner Frierson and himself have a Health and Safety Committee meeting in the near future and discuss the various sentiments expressed at this meeting and come up with a non-binding position for the ABC conference. Mr. Plowman stated that if there is going to be a sub-committee meeting, that notice would have to be made. Mr. Plowman further explained that if a meeting of any kind was to take place and a business discussion was made of the public’s business it would fall under the public meeting law.

16.3.2 Water / Other Fluids Permitted In Corner

Dr. Wallace stated that traditionally in boxing water has been the only fluid allowed in a corner. Dr. Wallace further stated that it was common knowledge that boxers use electrolytes when working out in the gym. He added that there is currently no proof that it makes a difference either way. Dr. Wallace noted that the MAC and public are under the assumption that these electrolyte drinks could be beneficial to the boxer. He did raise the question as to what if the drinks were spiked with some sort of performance enhancing substance. Dr. Wallace explained that for championship bouts in the State of California we currently do drug testing directly after the bout. He noted that the Commission could make the testing random, or some other way. He stated that from a medical perspective there is a tremendous amount of weight loss and dehydration that occurs and we are preventing the boxer during fight time to do what they do during the normal course of training or sparring. Commissioner Denkin had a concern as to whether or not weight gain/loss had any bearing on the deaths in California in boxing. Chairman Sauter suggested that when Dr. Wallace meets with his counterparts at the ABC conference to gather more information from them and that the Commission would revisit this issue at that time.

16.3.3 Pregnancy Testing – Meeting with DCA

Mr. Lynch stated that on July 3, 2002 he met with Lynn Morris, Deputy Director of Board Relations for Consumer Affairs. He stated Ms. Morris informed him that the Department, especially the Director, would in no way support pregnancy testing of female boxers. Mr. Lynch explained that the Department maintains that pregnancy testing is not employment related and that if the Commission does seek an author to go the legislative route, the Department will oppose any pregnancy-related legislation. He further added that the Director, in fact, has questioned whether or not our proposed pregnancy informational sheet is permissible under current law. Mr. Lynch then informed the Commission that Ms. Scuri did further research on the informational sheet and found it permissible as an educational tool. Dr. Wallace stated that if the Commission has exhausted all of its ability to get this passed, it is his opinion that the issue needs to be taken outside the normal protocol to be taken to the legislature and have them vote it up or down. Dr. Wallace stated that pregnancy testing be done on all female boxers no less than one week prior to the time of their bout is on the Agenda for the ABC conference. Mr. Plowman suggested that this issue be taken up with Senator McCain. Chairman Sauter suggested that after the ABC conference the result of the discussion made there be brought to the Department's attention and noted as to where we stand in scope of the larger boxing community. Mr. Plowman noted that if this were to be part of the proposed McCain law, that California would be obliged to follow the federal standard and require testing.

16.3.4 Injury Update

Dr. Wallace stated at an event the previous evening, a boxer was hospitalized and released after it was determined he had a broken ankle and was cleared neurologically.

16.3.5 Commission Retirement of Fighters

There was no report.

16.3.6 Medical Insurance Forms

There was no report.

16.4 Legislative Committee Report

This item was heard under Agenda Item 9.

16.5 Officials' Committee Report

Commissioner Denkin stated that evaluation reports from the bouts have not been forwarded to Commissioner Frierson and himself. He suggested that the evaluation reports be copied and forwarded. Mr. Lynch stated that due to no formal appointment of Committee members, these reports had not been forwarded. Chairman Sauter then informed the Commission that Commissioner Denkin was the Chairman of the Officials' Committee and Commissioner Frierson was also a member of said Committee taking the place of former Chairman Cal Soto and Commissioner Elmer Costa.

Commissioner Denkin informed the Commission that he had attended the police and fireman games that were held in Santa Ana, California and noted that many of the officials' for the event were retired police officers or firemen. He added that he participated as a judge as well as many other California officials'. Commissioner Denkin stated that there was an injury at this event that proved to remind him that regardless of the astute observation of the presiding Referee, a serious injury can take place. He stated that a police officer was seriously injured after a punch in which the policeman landed face down, causing an injury in which this policeman most likely will be forced to retire from the police force. Commissioner Denkin then noted that it was an incredible event in spite of that occurrence.

Commissioner Denkin reported that he had also attended an event at the Del Mar Fairgrounds promoted by Golden Boy Promotions. He stated that he was concerned as to the contracts that are signed between the promoter and the venue. Commissioner Denkin stated that the staff currently goes by what the promoter tells the staff the contract is with no verification. The problem Commissioner Denkin sees with no disclosure is that the officials' are not being properly compensated for the event per the current pay scale.

Mr. Lohuis replied that it was current policy not to require the promoters to provide a written contract to the Commission, although Mr. Lohuis has taken it upon himself to investigate the contracts on his own and Mr. Lohuis added that the figures the promoters have given and his investigation have all been concurrent. As a side note, Mr. Lohuis stated that it is his opinion that the officials' should not be paid on the size of the gate but rather be compensated for providing a service regardless of where it is held. Mr. Lohuis stated that the officials' are charged with the same responsibility regardless if they are at a small venue or a large venue. He reiterated that it is his belief that the officials' should be paid by the job and not be partnered with the promoters and paid by the gate. Chairman Sauter stated that he would like a presentation at a future Commission meeting regarding officials' assignments, accountability and compensation standards.

Commissioner Frierson commended Commissioner Denkin on his performance at the Anaheim Pond. He further added that all of the bouts were quality bouts.

16.6 Amateur Boxing Committee Report

Commissioner Vergara stated that he had just returned from Colorado with an exceptional team that had performed very well. He added that there was a Junior Golden Gloves coming up. He stated that if anyone has the chance to please try to go to the Golden Gloves competitions being held in Lincoln Park.

16.7 Strategic Plan Committee Report

This item was not heard.

16.8 Martial Arts Advisory Committee

This item was not heard.

17. AGENDA ITEMS FOR FUTURE MEETINGS

- Amount of Bond for Original Applicants be Raised
- Fine of Ochoa Promotions (\$2,500 per bounced check and have Mr. Ochoa appear)
- George Del Junco (must make restitution to Israel Vasquez and appear before the Commission)
- Ways to Regain the Assistant Chief Athletic Inspector
- Proposed Language for Rule 309
- Proposed Language for Rule 354
- Implementation of Rule 376
- Report and Review on the Evaluation Process for Novice and Beginning Professional Fighters
- Results of the ABC Conference regarding Pregnancy Testing
- Officials Assignments, Accountability and Compensation Standards

18. COMMISSIONERS' COMMENTS AND/OR RECOMMENDATIONS

Commissioner Denkin stated that as of July 19, 2002 he would no longer be accepting assignments as a Referee. He stated that he was not relinquishing his license at this time, but he would be focusing on Commission business rather than Referee. Chairman Sauter noted that Commissioner Denkin has made a very decent decision so that there will no doubt as to the Commissioner's intentions, and further wished him the best of luck in being a Referee in other states.

Commissioner Sauter asked Mr. Lohuis how often matches are made that have a lack of contest. Mr. Lohuis explained that most questionable fights are not a lack of contest, rather a lack of ability in the ring. Mr. Lohuis further explained that he personally has a rating system for each boxer and compares ratings before a bout is approved in California. Mr. Lohuis noted that no other state has a comparable rating system. He explained that all fighters are rated "A through E". Mr. Lohuis stated that when a bout is approved he forwards his approval to Mr. Lynch for

review. Chairman Sauter then asked what the flaw with the Torreys vs. Williams fight was to which Mr. Lohuis stated that the problem was that Mr. Torreys was not screened. Vice-Chairman Michelman asked how often fights are approved without a rating. Mr. Lohuis stated that every card contains at least one preliminary bout where the fighters do not yet have a rating. Mr. Lohuis explained that this does not occur for main events, but is common for novice preliminary bouts. Commissioner Denkin informed the Commission that it is very difficult to match novice or beginning professional fighters without acting as a matchmaker.

Vice-Chairman Michelman suggested that some type of benchmark be made for pro debut professional fighters coming in to compete in the State of California. Chairman Sauter suggested that staff compile a set of standards of what the process is for novice and beginning professional fighters for evaluation. Vice-Chairman Michelman suggested that Mr. Lohuis draft an index of what each of his ratings are and what the criteria for each rating are so that it is available for review. Chairman Sauter agreed with Vice-Chairman Michelman and added that a table of this sort would be beneficial for each member in case they are questioned, and may respond that an expert in this field, being Mr. Lohuis, has devised this grading process using these standards.

Dr. Wallace stated that although a benchmark for the grading process will help, it is his belief that it would not have prevented a bout such as the Torreys vs. Williams's fight. Chairman Sauter agreed that this is not an exact science, however, he is worried regarding succession because so much knowledge is vested in so few people. Chairman Sauter then stated that Mr. Lohuis was a plethora of boxing knowledge and in the future, he would like to see funds set aside to computerize Mr. Lohuis's knowledge.

Chairman Sauter suggested that Mr. Lynch return at the next meeting with a process and procedure to follow regarding novice or beginning professional boxers.

19. PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Mr. Lohuis stated that Israel Vasquez, a licensed professional boxer and his manager, Frank Espinoza were in the audience and wished to be heard regarding the issue of a bounced check made out to Mr. Vasquez by Mr. George Del Junco. Mr. Lohuis explained that he had thought that this matter was taken care of previously and had recently found out it had not. He further explained that Mr. Espinoza would be interpreting for Mr. Vasquez. Mr. Espinoza explained that this issue began in the year 2000 when Mr. Del Junco issued a check to Mr. Vasquez for \$3,385 for a fight in Fantasy Springs. Mr. Espinoza stated that Mr. Vasquez took the check into his personal bank and was able to cash the check due to the fact that Mr. Vasquez currently held an account there. He further explained that the bank had later contacted Mr. Vasquez and informed him that the funds were insufficient for the check presented. Mr. Espinoza added that at one time Mr. Vasquez had gone to Mr. Del Junco and that Mr. Del Junco had spoken with someone from the bank on the telephone and Mr. Del Junco told Mr. Vasquez that the matter had been taken care of. Mr. Espinoza stated that Mr. Vasquez's account at the bank had been closed and Mr. Vasquez was under the impression that it had been taken care of. Mr. Espinoza stated Mr. Vasquez had reopened an account recently and that on June 4, 2002 after Mr. Vasquez had made a deposit, his account was debited \$3,947.23. Mr. Espinoza stated that Mr. Vasquez was not only charged the bounced check but also for interest and fees surrounding the bounced check and

Mr. Vasquez felt that this was unfair to him and requested that the Commission please assist him in recovering his funds.

Vice-Chairman Michelman asked for clarity regarding the meeting with Mr. Del Junco and Mr. Vasquez after Mr. Vasquez had learned the check had bounced. Mr. Espinoza explained that Mr. Vasquez went to the bank with a copy of the bounced check with Mr. Del Junco and that Mr. Del Junco spoke with a bank representative on the telephone and that Mr. Del Junco told Mr. Vasquez that the matter had been resolved. Vice-Chairman Michelman asked when this occurred to which Mr. Espinoza stated that it was approximately November of the year 2000. Vice-Chairman Michelman asked Mr. Vasquez if he had spoken with Mr. Del Junco about this matter and Mr. Espinoza replied that Mr. Vasquez had not. Vice-Chairman Michelman asked if Mr. Vasquez had brought and documentation with him from the bank explaining that amount that had been deducted from his account. Mr. Espinoza presented a printout from the bank showing the deductions although it does not specifically stated what the deduction was for.

Mr. Plowman asked Mr. Lohuis if this was the same issue that Mr. Plowman had spoken to Mr. Del Junco about previously. Mr. Lohuis stated that it indeed was the same issue and that Mr. Del Junco stated that it was not his fault because the bank had cleared the check and assured Mr. Del Junco that the matter was resolved. Mr. Plowman stated to the Commission that he had informed Mr. Del Junco that Mr. Del Junco was not relieved of his obligation to pay regardless of what the bank representative supposedly had said and that Mr. Plowman would recommend that Mr. Del Junco's professional boxing promoter license be suspended until the matter was resolved. Vice-Chairman Michelman stated that it was unclear to him if Mr. Del Junco intentionally committed fraud or if the bank had delayed a year and a half in following up on this issue. Mr. Lohuis explained that the bank had originally sent this item to a collection agency and somehow reverted back to the bank and collection was made. Chairman Sauter asked what the exact amount was that Mr. Vasquez was currently penalized. Vice-Chairman Michelman stated that the amount was \$3,947.23. Chairman Sauter suggested that Mr. Lohuis contact Mr. Del Junco and explain to him that Mr. Plowman had already informed Mr. Del Junco of the repercussions of bouncing a check to a licensee, and that the Commission was outraged that the matter had not been resolved. Chairman Sauter further directed Mr. Lohuis to instruct Mr. Del Junco to compensate Mr. Vasquez as soon as possible. Chairman Sauter further directed Mr. Lohuis to report back to the Commission at the next meeting regarding this issue. Vice-Chairman Michelman suggested that Mr. Del Junco appear before the Commission to explain his actions.

It was agreed that the next meeting be held in Burbank Airport Hilton on Thursday, August 29, 2002 at 9:00 a.m.

The meeting was then adjourned at 2:45 p.m.

The draft minutes were prepared by:

JESSICA FINCH

DATE

The final minutes were prepared by:

JESSICA FINCH

DATE